

Remarks

Claims 1, 7, 14 and 22 are amended to recite a more restrictive transition phrase. No issue of new matter arises.

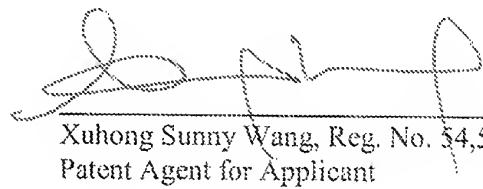
The Examiner rejects the pending claims 1-25 in the Office Action dated on February 7, 2007 as being unpatentable under 35 USC §103(a). The Examiner agrees that the instant invention has advantages over other PARP assays as indicated in the specification by overcoming the shortcomings of the prior art assays. However, the Examiner alleges that such limitation was not claimed in the current application. Applicants respectfully submit that advantages such as unexpected results need not be claimed. Such advantages, when not in the application at the time of filing, can in fact be introduced in evidence in a declaration under rule 132. Presentation of the comparative or other evidence is not considered “new matter”, but must be considered as a secondary criterion showing unobviousness.

To fully respond to the Examiner’s rejection, Applicants respectfully amend the claims by using “consisting essentially of” instead of “comprising”.

Applicants also respectfully assert that all references cited failed to teach or suggest all limitations and there is no suggestion or motivation to modify or combine reference teachings to produce claimed invention. Furthermore, “a patent composed of several elements is not proved obvious merely by demonstrating the each of its elements was, independently, known in the prior art”, the shortened duration of assay time and/or simpler steps available using this instant invention are the unpredictable and unexpected result, a secondary indicator of non-obviousness. The unexpected result is not required to be explicitly claimed.

Applicants respectfully submit that the application is now in condition for allowance and request prompt notice thereof. Should the Examiner believe that an interview would advance the prosecution of this application, the Applicants invite him to contact the undersigned at 908.231.3648.

Respectfully submitted,



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